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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**META PLATFORMS, INC.'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

Judge: Hon. James Donato

STANDING ORDER PARAGRAPH 31 NOTICE

The parties have agreed to use the approach outlined in Paragraph 31 of the Court's Standing Order for Civil Cases for the rounds of briefing associated with User Plaintiffs' and Advertiser Plaintiffs' motions for class certification, and any related *Daubert* briefing, including Defendant Meta Platforms, Inc.'s Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans. Meta hereby notifies the Court that the parties will file a combined Administrative Motion to Seal when briefing on the class certification and related *Daubert* motions is complete. That combined Administrative Motion to Seal will address all relevant documents submitted in connection with this briefing. Meta will work in good faith to minimize the amount of material sought to be sealed in that motion in accordance with the applicable standard and this Court's prior guidance. *See* Dkt. 344.

META PLATFORMS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL

Pursuant to Civil Local Rules 7-11 and 79-5(f), Defendant Meta Platforms, Inc. respectfully files this Administrative Motion To Consider Whether Another Party's Material Should Be Sealed in connection with its Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans. Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, "has been designated as confidential by another party or non-party." L.R. 79-5(f).

Meta has lodged under seal the Report and Reply Report of Scott Fasser, the Report and Reply Report of Joshua S. Gans, and the Report of Michael A. Williams, which Advertiser Plaintiffs have designated Highly Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal excerpts from the deposition of Scott Fasser, which are currently provisionally designated Highly Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans that reference these materials.

Meta notes that the Fasser, Gans, and Williams reports and Fasser deposition transcript also contain potentially sealable information from other parties, including Meta and the following

non-parties: Alphabet, Inc.; LinkedIn Corporation; Snap, Inc.; and X Corp. (f/k/a Twitter, Inc.). Meta is providing these non-parties with notice of this Administrative Motion, and anticipates that all parties will address appropriately tailored sealing requests in the combined motion to seal submitted at the end of briefing pursuant to Paragraph 31 of this Court's Standing Order for Civil Cases.

Accordingly, Meta has lodged under seal the following materials referencing other parties' information:

Document	Portions to Be Lodged Under Seal	Designating Party
Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans	Portions highlighted in yellow	Advertiser Plaintiffs
Ex. 1 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Fasser Report")	In its entirety	Advertiser Plaintiffs
Ex. 2 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Fasser Reply Report")	In its entirety	Advertiser Plaintiffs
Ex. 3 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Fasser Deposition Excerpts")	In its entirety	Advertiser Plaintiffs
Ex. 4 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Gans Report")	In its entirety	Advertiser Plaintiffs
Ex. 5 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Gans Reply Report")	In its entirety	Advertiser Plaintiffs
Ex. 6 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Williams Report")	In its entirety	Advertiser Plaintiffs

1 As noted, upon the conclusion of briefing on class certification motions and related
2 *Daubert* motions, the parties will submit a combined Administrative Motion to Seal that will
3 contain additional detail addressing each of the above documents and any additional documents
4 containing Meta's, plaintiffs', and relevant non-parties' confidential information submitted in
5 connection with the briefing on class certification motions and related *Daubert* motions.

1 Dated: September 15, 2023

Respectfully submitted,

2 By: /s/ Molly M. Jennings

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 2023, I caused the foregoing document to be transmitted by electronic mail.

/s/ Molly M. Jennings
Molly M. Jennings